

23  
11-14-02

21  
11-12-02

Introduction and first reading:	11/12/02
Public hearing:	11/16/02
Second reading and enactment:	11/16/02

### INFORMATION ON PROPOSED ORDINANCE

#### Title

AN ORDINANCE to vacate a portion of the public street right-of-way at 1700 Duke Street, in the City of Alexandria, Virginia.

#### Summary

The purposed ordinance vacates a 2,606 square foot triangular shaped portion of the public right-of-way at 1700 Duke Street, in the City of Alexandria, Virginia.

#### Sponsor

#### Staff

Eileen P. Fogarty, Director, Planning and Zoning  
Ignacio B. Pessoa, City Attorney

#### Authority

§ 2.03, Alexandria City Charter  
§ 15.2-2008, Code of Virginia (1950), as amended

#### Estimated Costs of Implementation

None

#### Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

23  
11-16-02      ~~21~~  
11-12-02

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to vacate a portion of the public street right-of-way at 1700 Duke Street, in the City of Alexandria, Virginia.

WHEREAS, JBG Rosenfield Duke Street, LLC ("Applicant"), the owner or contract purchaser of the property at 1700 Duke Street in the City of Alexandria, Virginia, has applied for the vacation of a triangular shaped portion of the public right-of-way adjacent to the Applicant's property, of approximately 2,606 square feet; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation such portion of the public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has approved the recommendation of the Planning Commission; and

WHEREAS, pursuant to § 15.2-2008 of the Code of Virginia (1950), as amended, the City of Alexandria has required that, as a condition of this vacation, the portion of right-of-way to be vacated by this ordinance be purchased by the Applicant at its fair market value; and

WHEREAS, viewers, Paul Smedburg, Libby Cooperman and Rodger Digilio have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that strip of the public street right-of-way to be vacated is no longer needed for public use and that it is in the public interest that it be vacated; therefore,

**THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:**

Section 1. That a triangular shaped portion of the public right-of-way of approximately 2,606 square feet adjacent to 1700 Duke Street, as shown on the attached plat be, and the same hereby is, vacated.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject the conditions set forth below:

(1) The Applicant shall prepare a plat of consolidation, showing the property vacated, and consolidating such property with the existing abutting lot, and the plat of consolidation shall be filed with the director of planning and zoning and among the land records of the City.

(2) The switching device located in the island at the intersection of Duke Street and

Holland Lane shall be relocated to an enclosed location not visible from the public right-of-way, and in accordance with the requirements of Dominion Virginia Power.

(3) The Applicant shall pay the City the sum of \$181,800 for the vacated property.

Section 3. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 4. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 5. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to the Applicant. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and the Applicant as grantee, and such recordation shall be done by the grantee at its own expense.

KERRY J. DONLEY  
Mayor

Attachment: Plat of vacation

Introduction: 11/12/02

First Reading: 11/12/02

Publication: 11/14/02

Public Hearing: 11/16/02

Second Hearing: 11/16/02

Final Passage: 11/16/02

C3	121.51'	91.00'	71.75'	76°30'19"	112.68'	S29°50'55"E
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## FLOOD NOTE:

THE PROPERTY DELINEATED HEREON APPEARS TO LIE ENTIRELY WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF 500 YEAR FLOOD PLAIN) AS SHOWN ON FLOOD INSURANCE RATE MAP FOR THE CITY OF ALEXANDRIA, VIRGINIA, COMMUNITY PANEL NUMBER 515519 0005 D, DATED MAY 15, 1991.

## NOTES:

- 1.) THE SUBJECT PROPERTY SHOWN HEREON IS IDENTIFIED ON THE CITY OF ALEXANDRIA, VIRGINIA TAX MAP NO. 073.02-BLOCK 09-AS PARCELS 2 AND 3 AND ARE ZONED CDD-1.
- 2.) THE SUBJECT PROPERTY SHOWN HEREON WAS ACQUIRED BY DUKE STREET ASSOCIATES, L.P. BY DEED BOOK 1128 AT PAGE 1068 AND DEED BOOK 1204 AT PAGE 738, ALL AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA.
- 3.) TITLE REPORT FURNISHED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY, COMMITMENT NO. 01-0653 WITH AN EFFECTIVE DATE OF OCTOBER 24, 2001 HAS BEEN INCORPORATED INTO THIS SURVEY.
- 4.) THE HORIZONTAL DATUM SHOWN HEREON, VIRGINIA STATE GRID NORTH BASED ON A PLAT ENTITLED "PLAT SHOWING VARIOUS EASEMENTS AND RESUBDIVISION OF VARIOUS LOTS, CARLYLE" PREPARED BY PATTON HARRIS RUST & ASSOCIATES AND DATE MAY 9, 1994 RECORDED IN DEED BOOK 1510 AT PAGE 160 AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA.

N/F  
MAP No. 073.02-09-01  
SOCIETY FOR HUMAN RESOURCE MGMT.  
D.B. 1507 PG. 1315  
ZONE: CDD-1  
USE: OFFICE BUILDING

N/F  
MAP No. 073.02-09-06  
SOCIETY FOR HUMAN RESOURCE MGMT.  
D.B. 1707 PG. 1075  
ZONE: CDD-1  
USE: OFFICE BUILDING



## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED BY THIS PLAT, AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT IT IS A PLAT OF THE LAND ACQUIRED BY DUKE STREET ASSOCIATES, L.P. BY DEED RECORDED IN DEED BOOK 1128 AT PAGE 1068 AND DEED BOOK 1204 AT PAGE 738, ALL AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA; AND THAT PROPERTY CORNERS MARKED ☒ OR ☐ HAVE BEEN RECOVERED OR SET AS INDICATED, BASED ON A CURRENT FIELD SURVEY.

GIVEN UNDER MY HAND THIS 22nd DAY OF April, 2002.

*Robert R. Cochran*  
ROBERT R. COCHRAN  
CERTIFIED LAND SURVEYOR  
VIRGINIA NO. 2012

GEORGES LANE

(24' RIGHT-OF-WAY)

N08°24'14"E 278.87'

N81°35'46"W 120.50'

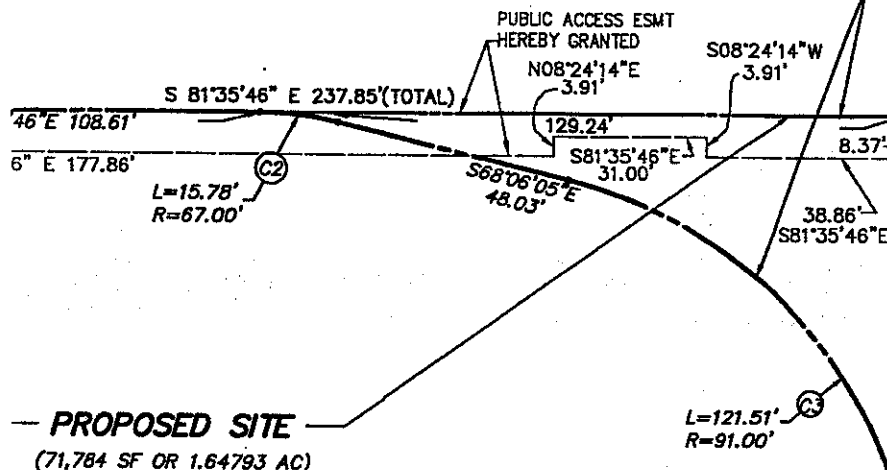
MA  
BURKE & P  
L

GRAPHIC



( IN FEET  
1 inch = 20'

PORTION OF DUKE STREET RIGHT-OF-WAY  
HEREBY VACATED (2606 SQ.FT. OR 0.05983 AC.)



— PROPOSED SITE  
(71,784 SF OR 1.64793 AC)

HEREBY DEDICATED FOR PUBLIC STREET  
PURPOSES (584 SQ.FT. OR 0.01341 AC.)

#73.02 (09) - 02

THE PROPERTY OF  
DUKE STREET ASSOCIATES, L.P.

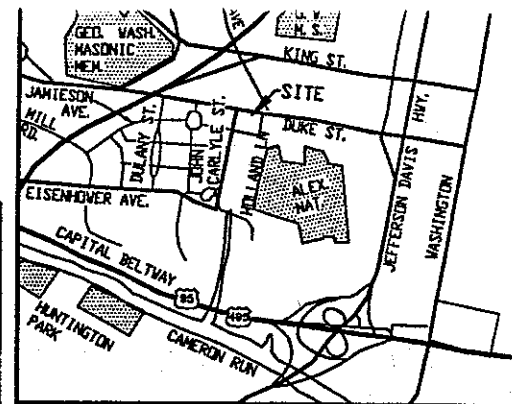
D.B. 1128, PG. 1068  
D.B. 1204, PG. 738

EXISTING SITE  
(69,762 SF OR 1.60151 AC)

APPROXIMATE LOCATION  
/L V.E.P.C.O. ESM'T  
D.B. 495 PG. 312

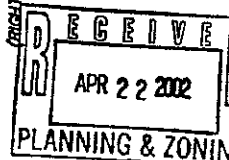
V/F  
#73.02-09-07  
BANK AND TRUST CO.  
9, PG. 1093  
CDD-1  
ANCIAL INST.

N/F  
MAP No. 073.02-09-08  
CARLYLE DEVELOPMENT CORPORATION  
D.B. 1585, PG. 698  
ZONE: CDD-1  
USE: VACANT LAND



VICINITY MAP  
SCALE: 1"=2000'

HOLLAND LANE  
(RIGHT-OF-WAY VARIES)



1700 DUKE ST - Vacation at  
Duke & Holland for Mixed Use Dev.  
VAC #2002-0001

SHEET 1 OF 1  
PLAT SHOWING  
VACATION & DEDICATION  
OF A PORTION OF  
DUKE STREET - ROUTE #236,  
HOLLAND LANE,  
AND VARIOUS EASEMENTS  
ON THE PROPERTY OF  
**DUKE STREET ASSOCIATES, L.P.**  
DEED BOOK 1128 PAGE 1068  
DEED BOOK 1204 PAGE 738  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1"=25' DATE: APRIL, 2002



ENGINEERS & PLANNERS & LANDSCAPE ARCHITECTS & SURVEYORS & CONSTRUCTION INSPECTORS

VIA INCORPORATED  
8180 GREENBROOK DRIVE, SUITE 200, FALLS CHURCH, VIRGINIA 22042  
(703)448-7800 & FAX (703)781-2787  
FALLS CHURCH, VA 22042

DWG#6542600

ORDINANCE NO. 4278

AN ORDINANCE to vacate a portion of the public street right-of-way at 1700 Duke Street, in the City of Alexandria, Virginia.

WHEREAS, JBG Rosenfield Duke Street, LLC ("Applicant"), the owner or contract purchaser of the property at 1700 Duke Street in the City of Alexandria, Virginia, has applied for the vacation of a triangular shaped portion of the public right-of-way adjacent to the Applicant's property, of approximately 2,606 square feet; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation such portion of the public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has approved the recommendation of the Planning Commission; and

WHEREAS, pursuant to § 15.2-2008 of the Code of Virginia (1950), as amended, the City of Alexandria has required that, as a condition of this vacation, the portion of right-of-way to be vacated by this ordinance be purchased by the Applicant at its fair market value; and

WHEREAS, viewers, Paul Smedburg, Libby Cooperman and Rodger Digilio have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that strip of the public street right-of-way to be vacated is no longer needed for public use and that it is in the public interest that it be vacated; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That a triangular shaped portion of the public right-of-way of approximately 2,606 square feet adjacent to 1700 Duke Street, as shown on the attached plat be, and the same hereby is, vacated.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject the conditions set forth below:

(1) The Applicant shall prepare a plat of consolidation, showing the property vacated, and consolidating such property with the existing abutting lot, and the plat of consolidation shall be filed with the director of planning and zoning and among the land records of the City.

(2) The switching device located in the island at the intersection of Duke Street and

Holland Lane shall be relocated to an enclosed location not visible from the public right-of-way, and in accordance with the requirements of Dominion Virginia Power.

(3) The Applicant shall pay the City the sum of \$181,800 for the vacated property.

Section 3. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 4. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 5. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to the Applicant. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and the Applicant as grantee, and such recordation shall be done by the grantee at its own expense.

KERRY J. DONLEY  
Mayor

Attachment: Plat of vacation

Final Passage: November 16, 2002

CJ	121.51'	91.00'	71.75'	76'30'19"	112.68'	S29°50'55"E
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N/F  
MAP No. 073.02-09-01  
SOCIETY FOR HUMAN RESOURCE MGMT.  
D.B. 1507 PG. 1315  
ZONE: CDD-1  
USE: OFFICE BUILDING

N/F  
MAP No. 073.02-09-08  
SOCIETY FOR HUMAN RESOURCE MGMT.  
D.B. 1707 PG. 1075  
ZONE: CDD-1  
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## SURVEYOR'S CERTIFICATE

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GIVEN UNDER MY HAND THIS 22nd DAY OF April, 2002.

ROBERT R. COCHRAN  
CERTIFIED LAND SURVEYOR  
VIRGINIA NO. 2012

GEORGES LANE

(24' RIGHT-OF-WAY)

N08°24'14"E 278.87'

(C) L=15.71'  
R=10.00'  
L=1.64'

N81°35'46"W 120.5'

BURKE

GRAPHIC

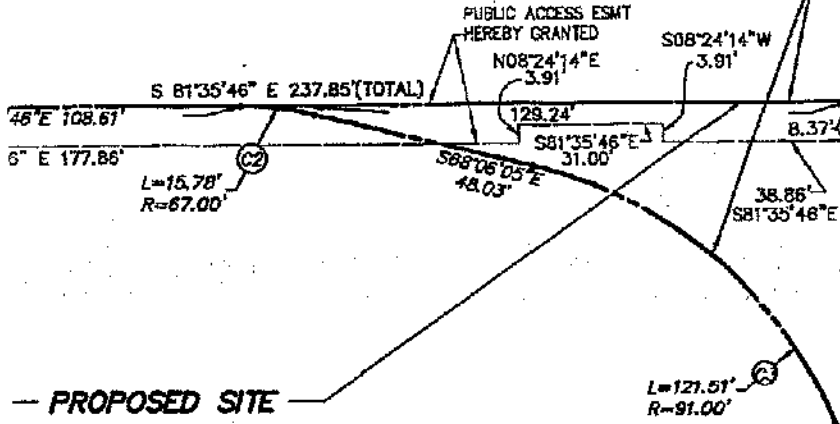


( IN F  
1 inch =



PORTION OF DUKE STREET RIGHT-OF-WAY  
HEREBY VACATED (2608 SQ.FT. OR 0.05983 AC.)

PUBLIC ACCESS ESMT  
HEREBY GRANTED



— PROPOSED SITE  
(71,784 SF OR 1.64793 AC)

HEREBY DEDICATED FOR PUBLIC STREET  
PURPOSES (584 SQ.FT. OR 0.01341 AC.)

#73.02 (09) - 02

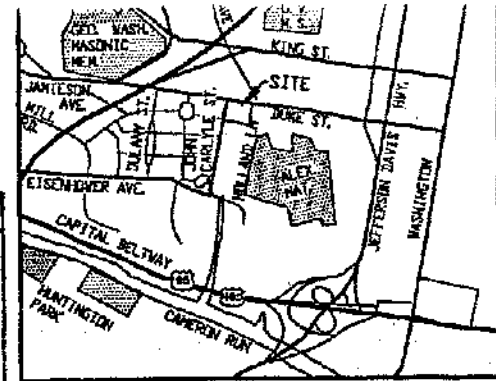
THE PROPERTY OF  
DUKE STREET ASSOCIATES, L.P.

D.B. 1128, PG. 1068  
D.B. 1204, PG. 738  
EXISTING SITE  
(68,762 SF OR 1.60151 AC)

APPROXIMATE LOCATION  
/L V.E.P.C.O. ESMT  
D.B. 485 PG. 312

V/F  
#73.02-09-07  
BANK AND TRUST CO.  
9, PG. 1093  
ZONE: CDD-1  
ANCIAL INST.

N/F  
MAP No. 073.02-09-08  
CARLYLE DEVELOPMENT CORPORATION  
D.B. 1585, PG. 698  
ZONE: CDD-1  
USE: VACANT LAND



VICINITY MAP  
SCALE: 1"=2000'

HOLLAND LANE

RIGHT-OF-WAY VARIES

RECEIVED  
APR 22 2002  
PLANNING & ZONING

1700 DUKE ST - Vacation of  
Duke & Holland for Mixed Use Dev.  
VAC #2002-0001

SHEET 1 OF 1  
PLAT SHOWING  
VACATION & DEDICATION  
OF A PORTION OF  
DUKE STREET - ROUTE #236,  
HOLLAND LANE,  
AND VARIOUS EASEMENTS  
ON THE PROPERTY OF

DUKE STREET  
ASSOCIATES, L.P.

DEED BOOK 1128 PAGE 1068  
DEED BOOK 1204 PAGE 738  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1"=25' DATE: APRIL, 2002



DESIGNED BY PLANNERS LANDSCAPE ARCHITECTS & CIVIL ENGINEERS IN CONSTRUCTION INSPECTORS  
VFA INCORPORATED  
2000 BRIDLEWOOD DRIVE, SUITE 200, FALLS CHURCH, VIRGINIA 22044  
PHONE: 703-271-1100 FAX: (703) 271-1101  
JULIAN, VA

DWG#6542600

# RELEASE OF VACATION ORDINANCE AND PLAT

TO: JACKIE HENDERSON CITY CLERK/CLERK OF COUNCIL

FROM: DEPARTMENT OF PLANNING & ZONING

Vacation # 2002-0001 for the property located at 1700 Duke St. was approved by City Council on 9-14-02 by Ordinance # 4278.

The City Clerk is hereby authorized to release a certified copy of the ordinance which constitutes conclusive evidence that all necessary steps have been completed to effect this vacation as indicated below:

1. Planning Commission - Public Hearing  
Date: 9-3-02 Action: Rec. Approval
2. City Council - Public Hearing - Consideration of P.C. Recommendation  
Date: 9-14-02 Action: Approved
3. City Council - Introduction & First Reading of Ordinance  
Date: 11-12-02 Action: Passed
4. City Council - Second Reading & Final Passage of Ordinance:  
Date: 11-16-02 Action: Passed
5. Transportation and Environmental Services: (a) All easements, utilities and other requirements as specified have been executed as required by the Department of Transportation and Environmental Services; (b) On DECEMBER 8, 2004 the applicant paid \$ 1,386<sup>00</sup> to T&ES to acquire the subject property, as determined by the Office of Real Estate Assessments. \$181,800<sup>00</sup> REDUCED BY RELOCATION COST PER CITY COUNCIL ACTION 9/14/2002 ITEM #13-E. NOT REFLECTED IN ORDINANCE #4278  
Date: APRIL 19, 2005 Approved by: [Signature]
6. Board of Architectural Review: The applicant has complied with all applicable requirements by the Board of Architectural Review.  
Date: 4-27-05 Approved by: N/A
7. City Attorney: On FEB. 7, 2005, the deed of vacation was reviewed and signed by the City Manager to vacate the subject property.  
Date: 4-22-05 Approved by: George M'Andrews
8. Planning and Zoning: The applicant has complied with all applicable requirements as specified by the Zoning Ordinance.  
Date: 4-27-05 Approved by: [Signature]

NOTE: After completion of #1 thru #4 above, return a copy of this form to Planning & Zoning (Kendra Jacobs) for data entry into Permit\*Plan system.

## DEED OF VACATION, CONSOLIDATION, DEDICATION AND EASEMENTS

THIS DEED OF VACATION, CONSOLIDATION, DEDICATION AND EASEMENTS, (this "Deed") made this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between THE CITY OF ALEXANDRIA, VIRGINIA, (the "City"), (Grantor, as to vacations, and Grantee, as to dedications) and JBG/ROCKWOOD DUKE STREET, L.L.C., a Delaware limited liability company, (the "Owner") (Grantee, as to vacations, and Grantor, as to dedications) and JOSEPH M. CAHILL, a resident of the City of Alexandria, Virginia, and CASEY BRILL, a resident of Fairfax County, Virginia, Trustees ("Trustees") and RIGGS BANK N.A., a national banking association, ("Beneficiary") (Trustees and Beneficiary collectively Grantors, as to dedications, and Grantees, as to vacations).

### WITNESSETH:

WHEREAS, the City is the owner of that certain portion of Duke Street, comprising 2,606 square feet of a public street right-of-way adjacent to the Grantee's Property, located in the City of Alexandria, Virginia as the same appears on the plat entitled "SHEET 1 OF 1 PLAT SHOWING PARCEL 500 BEING THE VACATION & DEDICATION OF A PORTION OF DUKE STREET-ROUTE #236, HOLLAND LANE, AND VARIOUS EASEMENTS ON THE PROPERTY OF JBG/ROCKWOOD DUKE STREET, L.L.C. INSTRUMENT NO. 030013734 CITY OF ALEXANDRIA, VIRGINIA" drawn by Vika Incorporated dated March, 2003 and revised October 14, 2004 (hereinafter, "the Plat") attached hereto as Exhibit "A"; and

WHEREAS the City desires to vacate that certain portion of Duke Street described on the Plat as "PORTION OF DUKE STREET RIGHT-OF-WAY HEREBY VACATED (2606 SQ. FT. OR 0.05983 AC.) (the "Vacated Property"); and

WHEREAS, Grantee JBG/ROCKWOOD DUKE STREET, L.L.C. is the owner of a certain parcel of real estate located in the City of Alexandria, Virginia, commonly known as 1700-1724 Duke Street, Alexandria, Virginia, as the same appears on the Plat as "PARCEL 500 (71,784 SF OR 1.64793 AC) THE PROPERTY OF JBG/ROCKWOOD DUKE STREET, L.L.C. INSTRUMENT NO. 030013734 EXISTING SITE (69,762 SF OR 1.60151 AC)" and more fully described on Exhibit "B" attached hereto, (hereinafter, the "Grantee's Property"); and

WHEREAS, the City wishes to vacate, waive, release, abandon, and otherwise quitclaim any and all interest it has or may have in the Vacated Property; and

WHEREAS, the Council for the City of Alexandria passed an Ordinance Numbered 4278 on November 16, 2002, a copy of which is attached hereto as Exhibit "C", approving such vacation; and

WHEREAS the Grantee JBG/ROCKWOOD DUKE STREET, L.L.C. desires to dedicate, grant and convey to the City Public Access and Emergency Vehicle easements in the locations as shown on the Plat; and

WHEREAS the Grantee JBG/ROCKWOOD DUKE STREET, L.L.C. desires to dedicate, grant and convey to the City that certain portion of the Grantee's Property described on the Plat as "HEREBY DEDICATED FOR PUBLIC STREET PURPOSES (584 SQ.FT. OR 0.01341 AC.)";

### **VACATION OF A PORTION OF DUKE STREET**

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor, the City, does hereby grant the following rights to the Grantees strictly subject to the conditions and limitations herein set out in the numbered paragraphs below:

1. The City hereby vacates, waives, releases, abandons, and otherwise quitclaims any and all interest it has or may have in the Vacated Property, subject to the exceptions set forth herein in paragraph 3, which Vacated Property is more fully described in that certain plat drawn by Vika Incorporated dated March, 2003 and revised August 14, 2003 and entitled "SHEET 1 OF 1 PLAT SHOWING PARCEL 500 BEING THE VACATION & DEDICATION OF A PORTION OF DUKE STREET-ROUTE #236, HOLLAND LANE, AND VARIOUS EASEMENTS ON THE PROPERTY OF JBG/ROCKWOOD DUKE STREET, L.L.C. INSTRUMENT NO. 030013734 CITY OF ALEXANDRIA, VIRGINIA" and described thereon as "PORTION OF DUKE STREET RIGHT-OF-WAY HEREBY VACATED (2606 SQ. FT. OR 0.05983 AC.)".
2. The Vacated Property is hereby consolidated into the Property of Grantee JBG/ROCKWOOD DUKE STREET, L.L.C. as fully described on Exhibit B, and shall become part of the Grantee's Property with Grantee being entitled to and owning all the rights and benefits of fee simple ownership in the Vacated Property, subject to the limitations set forth in paragraph 3.
3. The switching device located in the island at the intersection of Duke Street and Holland Lane shall be relocated to an enclosed location not visible from the public right-of-way, and in accordance with the requirements of Dominion Virginia Power.

### **DEDICATIONS FOR PUBLIC STREET PURPOSES**

THIS DEED FURTHER WITNESSETH that in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor JBG/ROCKWOOD DUKE STREET, L.L.C., with the consent and approval of the Trustees and the Beneficiary, does hereby dedicate for public street purposes and conveys to the City, in fee simple, that portion of the Property described on the Plat as "HEREBY DEDICATED FOR PUBLIC STREET PURPOSES (584 SQ. FT. OR 0.01341AC.)".

### **PUBLIC ACCESS EASEMENTS**

THIS DEED FURTHER WITNESSETH that in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor JBG/ROCKWOOD DUKE STREET, L.L.C., with the consent and approval of the Trustees and the Beneficiary does hereby grant and convey to the City Public Access Easements for the purpose of ingress and egress by the public over and across the Property of Owner, said Property and Easements being more particularly bounded and described on the Plat as "PUBLIC ACCESS ESMT (HEREBY GRANTED)". The easements are subject to the following terms and conditions:

1. All streets, service drives, trails, sidewalks, and driveways and all appurtenant facilities installed in the easements and rights-of-way shall be and remain the property of the Owner, its successors and assigns, who shall properly maintain the Property and said facilities.
2. The City and its agents shall have full and free use of the easements and rights-of-way for the purposes named, and shall have all rights and privileges reasonably necessary to the exercise of the easements and rights-of-way including the right, but not the obligation to perform, if the Owner fails to do so, such repairs and maintenance as the City may deem necessary. The cost of such repairs and maintenance shall be reimbursed to the City by the Owner, its successors and assigns, upon demand.

## **EMERGENCY VEHICLE EASEMENT**

THIS DEED FURTHER WITNESSETH that in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor JBG/ROCKWOOD DUKE STREET, L.L.C., with the consent and approval of the Trustees and the Beneficiary does hereby grant and convey to the City Public Access Easements for the purpose of ingress and egress by City emergency, maintenance and police vehicles over and across the Property of Owner, said Property and Easement(s) being more particularly bounded and described on the Plat. The easements are subject to the following terms and conditions:

1. All streets, service drives, trails, sidewalks, and driveways and all appurtenant facilities installed in the easements and rights-of-way shall be and remain the property of the Owner, its successor and assigns, who shall properly maintain the Property and said facilities.

2. The City and its agents shall have full and free use of the easements and rights-of-way for the purposes named, and shall have all rights and privileges reasonably necessary to the exercise of the easements and rights-of-way including the right, but not the obligation to perform, if the Owner fails to do so, such repairs and maintenance as the City may deem necessary. The cost of such repairs and maintenance shall be reimbursed to the City by the Owner, its successors and assigns, upon demand.

## **RELEASE/SUBORDINATION**

THIS DEED FURTHER WITNESSETH that in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Trustees, as authorized to act by the Beneficiary, do hereby release from the lien of the Deed of Trust those portions of the Property dedicated for public street purposes, and do hereby consent to and subordinate the lien of the Deed of Trust to the easements conveyed herein, as further shown on the Plat.

TO HAVE AND TO HOLD those portions of the Property dedicated for public street purposes, fully released and discharged from the liens and obligations of the Deed of Trust.

It is expressly understood that the release of those portions of the Property described above and the subordination of the liens of the Deed of Trust to the easements conveyed shall not affect in any way the lien of the Deed of Trust upon the land conveyed thereby and not released hereby or subject to said easements, and the Deed of Trust shall remain in full force and effect as to the land conveyed thereby and not released hereby, subject to said subordination.

### **FREE CONSENT AND DESIRE**

This Deed is made with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any.

### **MISCELLANEOUS**

This Deed shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia. This Deed may be executed in counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument. This Deed is in accordance with the Statutes of Virginia and the ordinances in force in the City of Alexandria, Virginia governing the platting and subdivision of land, and is approved by the proper authorities as evidenced by their endorsement hereto and the Plat.

[Signatures on following pages]

THE CITY OF ALEXANDRIA

By:

[Signature] (SEAL)  
\_\_\_\_\_, City Manager

APPROVED AS TO FORM:

By:

[Signature] (SEAL)  
Joanna Frizzell, Assist. City Attorney

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Alexandria, to-wit:

Subscribed, sworn to and acknowledged before me this 17th day of February, 2005 by James K Hartman, City Manager for the City of Alexandria, Virginia, Authorized Agent for the City of Alexandria, pursuant to Ordinance Number 4278.

My commission expires: 12-31-08

[Signature] [SEAL]  
Notary Public

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Alexandria, to-wit:

Subscribed, sworn to and acknowledged before me this 3<sup>RD</sup> day of February, 2005 by Joanna Frizzell, Assistant City Attorney for the City of Alexandria, Virginia.

My commission expires: 5/31/06

[Signature] [SEAL]  
Notary Public



OWNER:

JBG/ROCKWOOD DUKE STREET, L.L.C.

By: \_\_\_\_\_

STATE OF \_\_\_\_\_,  
COUNTY/CITY OF \_\_\_\_\_, TO-WIT:

This instrument was acknowledged before me by \_\_\_\_\_,  
\_\_\_\_\_ of JBG/ROCKWOOD DUKE STREET, L.L.C. on the \_\_\_\_\_  
day of \_\_\_\_\_ of 2004.

GIVEN under my hand this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

TRUSTEES:

\_\_\_\_\_  
JOSEPH M. CAHILL, TRUSTEE

State of \_\_\_\_\_  
County/City of \_\_\_\_\_, to wit:

This instrument was acknowledged before me by JOSEPH M.  
CAHILL, Trustee, on this the \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
CASEY BRILL, TRUSTEE

State of \_\_\_\_\_  
County/City of \_\_\_\_\_, to wit:

This instrument was acknowledged before me by CASEY BRILL,  
Trustee, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

BENEFICIARY:

RIGGS BANK N.A.

By: \_\_\_\_\_

State of \_\_\_\_\_  
County/City of \_\_\_\_\_, to wit:

This instrument was acknowledged before me by \_\_\_\_\_  
\_\_\_\_\_, of Riggs Bank, N.A., Beneficiary, on this the \_\_\_\_\_ day of  
\_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**EXHIBIT "A"**  
**(Legal Description)**

All that certain lot, piece or parcel of land situated, lying and being in Alexandria City, State of Virginia, being further described as follows:

Beginning at a point marking the intersection of the Easterly right-of-way line of Georges Lane (22 feet wide) and the Southerly right-of-way line of Duke Street, Route 236 (variable width):

Thence running with Southerly line of said Duke Street the following courses and distances:

15.71 feet with the arc of a curve to the right whose radius is 10.00 feet and whose chord bearing and chord are N 53 degrees 24 minutes 14 seconds E and 14.14 feet, respectively, to a point of tangency:

S 81 degrees 35 minutes 46 seconds E, 108.61 feet to a point of curvature;

15.78 feet with the arc of a curve to the right whose radius is 67.00 feet and whose chord bearing and chord are S 74 degrees 50 minutes 56 seconds E, and 15.74 feet, respectively, to a point of tangency:

S 68 degrees 06 minutes 05 seconds E, 48.03 feet; and

121.51 feet with the arc of a curve to the right whose radius is 91.00 feet and whose chord bearing and chord are S 29 degrees 50 minutes 55 seconds E and 112.68 feet, respectively, to a point of tangency, said point lying in the Westerly right-of-way line of Holland Lane (66 feet wide);

Thence running with said Holland Lane S 08 degrees 24 minutes 14 seconds W, 188.96 feet to a point in the Northerly line of Lot 501, Carlyle;

Thence running with said Lot 501 the following courses and distances:

N 81 degrees 35 minutes 46 seconds W, 130.21 feet; N 08 degrees 24 minutes 14 seconds E, 1.63 feet;

and N 81 degrees 35 minutes 46 seconds W, 120.50 feet;

Thence running with the Easterly line of said Georges Lane N 08 degrees 24 minutes 14 seconds E, 278.87 feet to the point of beginning.

Containing 69,762 square feet or 1.60151 acres, more or less.

ORDINANCE NO. 4278

AN ORDINANCE to vacate a portion of the public street right-of-way at 1700 Duke Street, in the City of Alexandria, Virginia.

WHEREAS, JBG Rosenfield Duke Street, LLC ("Applicant"), the owner or contract purchaser of the property at 1700 Duke Street in the City of Alexandria, Virginia, has applied for the vacation of a triangular shaped portion of the public right-of-way adjacent to the Applicant's property, of approximately 2,606 square feet; and

WHEREAS, the Planning Commission of the City of Alexandria at one of its regular meetings recommended approval of the vacation such portion of the public right-of-way at this location; and

WHEREAS, the Council of the City of Alexandria has approved the recommendation of the Planning Commission; and

WHEREAS, pursuant to § 15.2-2008 of the Code of Virginia (1950), as amended, the City of Alexandria has required that, as a condition of this vacation, the portion of right-of-way to be vacated by this ordinance be purchased by the Applicant at its fair market value; and

WHEREAS, viewers, Paul Smedburg, Libby Cooperman and Rodger Digilio have been, and again by this ordinance are, duly appointed by the Council of the City of Alexandria, to make their report in conjunction with this vacation; and

WHEREAS, the procedures required by law, including the publication of notice in a newspaper of general circulation in the City of Alexandria, have been followed in conjunction with this vacation; and

WHEREAS, in consideration of the report of the viewers, of other evidence relative to this vacation and of compliance with the conditions set forth in this ordinance, the Council of the City of Alexandria, has determined that strip of the public street right-of-way to be vacated is no longer needed for public use and that it is in the public interest that it be vacated; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That a triangular shaped portion of the public right-of-way of approximately 2,606 square feet adjacent to 1700 Duke Street, as shown on the attached plat be, and the same hereby is, vacated.

Section 2. That the vacation made and provided by the preceding section of this ordinance be, and the same hereby is, subject the conditions set forth below:

(1) The Applicant shall prepare a plat of consolidation, showing the property vacated, and consolidating such property with the existing abutting lot, and the plat of consolidation shall be filed with the director of planning and zoning and among the land records of the City.

(2) The switching device located in the island at the intersection of Duke Street and

Holland Lane shall be relocated to an enclosed location not visible from the public right-of-way, and in accordance with the requirements of Dominion Virginia Power.

(3) The Applicant shall pay the City the sum of \$181,800 for the vacated property.

Section 3. That the city manager be, and hereby is, authorized to do on behalf of the City of Alexandria all things necessary or desirable to carry into effect this vacation, including the execution of documents.

Section 4. That the city clerk be, and hereby is, authorized to attest the execution by the city manager of all documents necessary or desirable to carry into effect this vacation, and to affix thereon the official seal of the City of Alexandria, Virginia.

Section 5. That this ordinance shall be effective upon the date and at the time of its final passage; provided, however, that no recordation of this ordinance shall have any force or effect unless and to the extent annexed to a deed, executed by the city manager and attested by the city clerk, conveying the property vacated to the Applicant. The execution of such deed shall constitute conclusive evidence of compliance with the provisions of this ordinance. Such deed shall be recorded and indexed in the name of the City of Alexandria, as grantor, and the Applicant as grantee, and such recordation shall be done by the grantee at its own expense.

KERRY J. DONLEY  
Mayor

Attachment: Plat of vacation

Final Passage: November 16, 2002

C3	121.51'	91.00'	71.75'	76°30'19"	112.68'	S29°50'55"E
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## FLOOD NOTE:

THE PROPERTY DELINEATED HEREON APPEARS TO LIE ENTIRELY WITHIN ZONE "X" (AREAS DETERMINED TO BE OUTSIDE OF 500 YEAR FLOOD PLAIN) AS SHOWN ON FLOOD INSURANCE RATE MAP FOR THE CITY OF ALEXANDRIA, VIRGINIA, COMMUNITY PANEL NUMBER 515519 0005 D, DATED MAY 15, 1991.

## NOTES:

- 1.) THE SUBJECT PROPERTY SHOWN HEREON IS IDENTIFIED, ON THE CITY OF ALEXANDRIA, VIRGINIA TAX MAP NO. 073.02-BLOCK 09-AS PARCELS 2 AND 3 AND ARE ZONED CDD-1.
- 2.) THE SUBJECT PROPERTY SHOWN HEREON WAS ACQUIRED BY DUKE STREET ASSOCIATES, L.P. BY DEED BOOK 1128 AT PAGE 1068 AND DEED BOOK 1204 AT PAGE 738, ALL AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA.
- 3.) TITLE REPORT FURNISHED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY, COMMITMENT NO. 01-0653 WITH AN EFFECTIVE DATE OF OCTOBER 24, 2001 HAS BEEN INCORPORATED INTO THIS SURVEY.
- 4.) THE HORIZONTAL DATUM SHOWN HEREON, VIRGINIA STATE GRID NORTH BASED ON A PLAT ENTITLED "PLAT SHOWING VARIOUS EASEMENTS AND RESUBDIVISION OF VARIOUS LOTS, CARLYLE" PREPARED BY PATTON HARRIS RUST & ASSOCIATES AND DATE MAY 9, 1994 RECORDED IN DEED BOOK 1510 AT PAGE 160 AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA.

N/F  
MAP No. 073.02-08-01  
SOCIETY FOR HUMAN RESOURCE MGMT.  
D.B. 1507 PG. 1315  
ZONE: CDD-1  
USE: OFFICE BUILDING

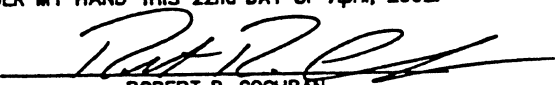
N/F  
MAP No. 073.02-09-06  
SOCIETY FOR HUMAN RESOURCE MGMT.  
D.B. 1707 PG. 1075  
ZONE: CDD-1  
USE: OFFICE BUILDING



## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE CAREFULLY SURVEYED THE PROPERTY DELINEATED BY THIS PLAT, AND THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF; THAT IT IS A PLAT OF THE LAND ACQUIRED BY DUKE STREET ASSOCIATES, L.P. BY DEED RECORDED IN DEED BOOK 1128 AT PAGE 1068 AND DEED BOOK 1204 AT PAGE 738, ALL AMONG THE LAND RECORDS OF THE CITY OF ALEXANDRIA, VIRGINIA; AND THAT PROPERTY CORNERS MARKED ○ OR □ HAVE BEEN RECOVERED OR SET AS INDICATED, BASED ON A CURRENT FIELD SURVEY.

GIVEN UNDER MY HAND THIS 22nd DAY OF April, 2002.

  
ROBERT R. COCHRAN  
CERTIFIED LAND SURVEYOR  
VIRGINIA NO. 2012

GEORGES LANE

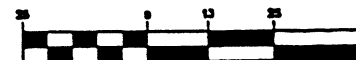
(24' RIGHT-OF-WAY)

N08°24'14"E 278.87'

N81°35'46"W 120.50'

M.  
BURKE & I

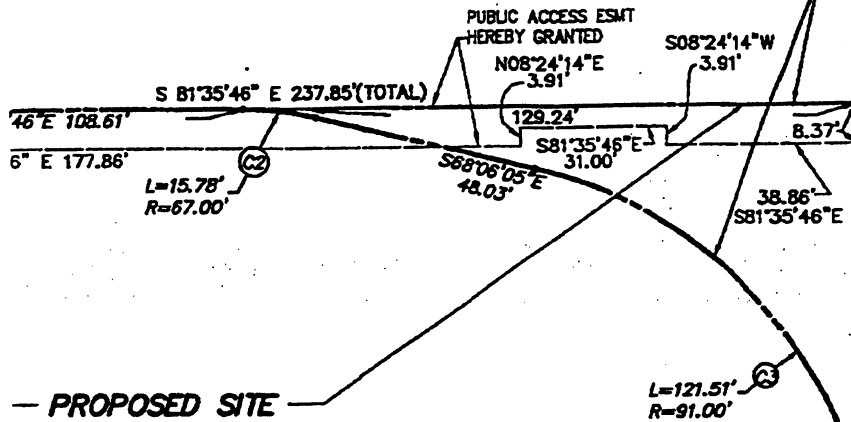
GRAPHIC



( IN FEET )  
1 inch = 2



PORTION OF DUKE STREET RIGHT-OF-WAY  
HEREBY VACATED (2606 SQ.FT. OR 0.05983 AC.)



HEREBY DEDICATED FOR PUBLIC STREET  
PURPOSES (584 SQ.FT. OR 0.01341 AC.)

#73.02 (09) - 02

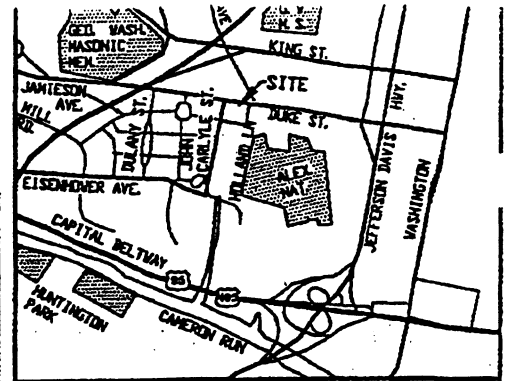
THE PROPERTY OF  
**DUKE STREET ASSOCIATES, L.P.**

D.B. 1128, PG. 1068  
D.B. 1204, PG. 738  
EXISTING SITE  
(68,762 SF OR 1.60151 AC)

APPROXIMATE LOCATION  
/L V.E.P.C.O. ESM'T  
/B. 495 PG. 312

V/F  
73.02-09-07  
BANK AND TRUST CO.  
9, PG. 1093  
: CDD-1  
ANCIAL INST.

N/F  
MAP No. 073.02-09-08  
CARLYLE DEVELOPMENT CORPORATION  
D.B. 1585, PG. 698  
ZONE: CDD-1  
USE: VACANT LAND



VICINITY MAP  
SCALE: 1"=2000'

HOLLAND LANE

(RIGHT-OF-WAY VARIES)

RECEIVED  
APR 22 2002  
PLANNING & ZONING

1700 DUKE ST - Vacation at  
Duke & Holland for Mixed Use Dev.  
VAC #2002-0001 jf

SHEET 1 OF 1  
PLAT SHOWING  
VACATION & DEDICATION  
OF A PORTION OF  
DUKE STREET - ROUTE #236,  
HOLLAND LANE,  
AND VARIOUS EASEMENTS  
ON THE PROPERTY OF  
**DUKE STREET ASSOCIATES, L.P.**  
DEED BOOK 1128 PAGE 1068  
DEED BOOK 1204 PAGE 738  
CITY OF ALEXANDRIA, VIRGINIA  
SCALE: 1"=25' DATE: APRIL, 2002



ENGINEER'S PLANS & LANDSCAPE ARCHITECT'S SURVEYING & CONSTRUCTION INSPECTION


FOR INFORMATION  
2000 GREENBERRY DRIVE, SUITE 200, FALLS CHURCH, VIRGINIA 22046  
(703) 445-7800 IN FAX (703) 445-2707  
FALLS CHURCH, VA 22046  
GREENBERRY, VA

DWG#6542600

4

**MEMORANDUM**

TO: ALLEN MARTIN, CHIEF/SURVEYS  
T&ES/ENGINEERING

FROM: JOANNA C. FRIZZELL   
ASSISTANT CITY ATTORNEY

DATE: JANUARY 28, 2005

SUBJECT: DEED OF VACATION, CONSOLIDATION, DEDICATION AND  
EASEMENTS RELATED TO SITE DEVELOPMENT PLAN FOR 1700 DUKE  
STREET (DSP 2002-0009)  
REFERENCE NO. 05-166

You have requested that I review and approve as to form the above-referenced document. I have reviewed the document and I have approved it as to form.

Attachment

cc: Michele Evans (w/o attachment)  
Assistant City Manager

CITY OF ALEXANDRIA  
Treasury Division  
City Hall  
301 King Street, Room 1510  
Alexandria, Virginia 22314  
(703) 838-4777

12/08/2004 10:35am 002 01-6529

OTHER-SALE OF LAND  
Val #142933 \$ 35386.00  
1 @ \$35386.00 / /009311  
000000215145/

Total \$ 35386.00  
Check / M.O. 785045 \$ 1386.00-  
Specials \$ 34000.00-

Thank You For Your Payment

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER - SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES

**JBG/ROCKWOOD DUKE STREET, LLC**  
4445 WILLARD AVENUE SUITE 310  
CHEVY CHASE, MD 20815  
THE JBG COMPANIES 240-333-3600

WACHOVIA BANK, NA

88-25 510

DATE November 8, 2004 CHECK NO. 7850450 AMOUNT \$\*\*\*\*\*1,386.00

Pay: \*\*\*\*\*One thousand three hundred eighty-six dollars and no cents

2 SIGNATURES IF OVER \$5,000

CITY OF ALEXANDRIA

PAY TO THE ORDER OF

*[Signature]*  
AUTHORIZED SIGNATURE

SECURITY FEATURES

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT.

7850450 0510002531841257136

CITY OF ALEXANDRIA, VIRGINIA  
DEPARTMENT OF FINANCE

REPORT OF FUNDS DEPOSITED WITH  
THE TREASURY DIVISION

DATE DECEMBER 8, 2004

DEPOSITED BY ALLEN MARTIN

DEPT T&ES - SURVEY PHONE # INT. 1 EXT 185

TREASURY DIVISION'S CERTIFICATION

CURRENCY		
COINS		
CHECKS and MONEY ORDERS		
CHAMOWITZ FENGLE, PLC #1155	34,000	00
JBG ROCKWOOD DUKE ST, LLC. #7850450	1,386	00
TOTAL	35,386	00

THIS REPORT COVERS DEPARTMENTAL RECEIPTS NUMBERED:

DEPOSIT TO CREDIT OF THE FOLLOWING ACCOUNTS:

OCA #	OBLV3#	C#	SUBSIDIARY	
	215-145-9311			35,386 00

WHITE: DEPARTMENT F-OMB-5030 (8/00) YELLOW: ACCOUNTING PINK: TREASURY

**HART, CALLEY, GIBBS & KARP, P.C.**

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET  
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757  
FAX (703) 548-5443

**COVER SHEET FOR FACSIMILE TRANSMISSIONS**

DATE/TIME: March 23, 2005

TOTAL PAGES SENT (INCLUDING THIS COVER SHEET): 2

TO: Mr. Allen Martin

FIRM/COMPANY Transportation & Environmental Services

FAX#: 703-838-6438

FROM: Mary Catherine Gibbs

RE: 1700 Duke Street

COMMENTS: Attached please find the approval of the vacation  
by City Council.

IF TRANSMISSION IS INCOMPLETE OR ILLEGIBLE, PLEASE CALL:

Elizabeth at (703) 836-5757

ORIGINAL TO BE MAILED? YES ☐ NO ☒

NOTE: The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.

CLIENT JBG

Docket Item #13-E  
VACATION #2002-0001  
1700 DUKE ST - MIXED USE DEVELOPMENT

Planning Commission Meeting  
September 3, 2002

**ISSUE:** Consideration of a request for vacation of a portion of the public right-of-way located at the southwest corner of Duke Street and Holland Lane.

**APPLICANT:** JBG Rosenfeld Duke Street, LLC  
by Harry P. Hart, attorney

**LOCATION:** 1700 Duke Street

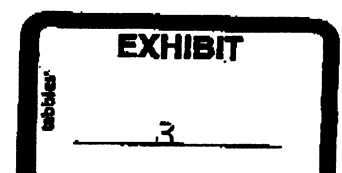
**ZONE:** CDD-1/Coordinated Development District, Duke Street

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**CITY COUNCIL ACTION, SEPTEMBER 14, 2002:** City Council approved the Planning Commission recommendation and approved the request, and incorporated the change to condition #1 in the letter from Mr. Hart dated September 13, 2002, which condition #1 now reads as shown below, and authorized the appointment of viewers. Paul Smedberg, chair, Rodger Digilio, and Libby Cooperman were appointed as viewers.

1. The applicant shall pay fair market value as determined by the Department of Real Estate Assessments, offset by the cost of undergrounding the Dominion Virginia Power equipment located in the intersection of Duke Street and Holland Lane, not to exceed the fair market value. The cost of the undergrounding shall be verified by the Director of Transportation and Environmental Services. The applicant shall be responsible for performing the work and for payment of the difference between the fair market value and the cost of undergrounding of the power equipment. The payment shall be made prior to the issuance of the first Certificate of Occupancy.

**PLANNING COMMISSION ACTION, SEPTEMBER 3, 2002:** On a motion by Ms. Fossum, seconded by Mr. Gaines, the Planning Commission voted to recommend approval of the proposed vacation, subject to compliance with all applicable codes, ordinances and all staff recommendations as submitted. The motion carried on a vote of 6 to 0. Mr. Robinson was absent.



**STAFF RECOMMENDATION:**

Staff recommends approval subject to compliance with all applicable codes and ordinances and the following conditions:

1. The applicant shall pay fair market value as determined by the Department of Real Estate Assessments, offset by the cost of undergrounding the Dominion Virginia Power equipment located in the intersection of Duke Street and Holland Lane, not to exceed the fair market value. The cost of the undergrounding shall be verified by the Director of Transportation and Environmental Services. The applicant shall be responsible for performing the work and for payment of the difference between the fair market value and the cost of undergrounding of the power equipment. The payment shall be made prior to the issuance of the first Certificate of Occupancy. (City Council)
2. The vacation and dedication plats shall be approved prior to release of a building permit. (P&Z)
3. The vacated area is to be consolidated into the adjoining property.(T&ES)
4. The switching device located in the island at the intersection of Duke Street and Holland Lane shall be relocated to an enclosed location not visible from the public right-of-way, and in accordance with the requirements of Dominion Virginia Power. (T&ES) (P&Z)

# HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET  
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757  
FAX (703) 548-5443  
hcgk.law@verizon.net

OF COUNSEL  
CYRIL D. CALLEY

RETIRED  
ROBERT L. MURPHY, 2001

HARRY P. HART  
MARY CATHERINE H. GIBBS  
HERBERT L. KARP

November 17, 2004

Mr. Allen Martin, Chief of Surveys  
Department of Transportation & Environmental Services  
City Hall, Room 4130  
Alexandria, VA 22314

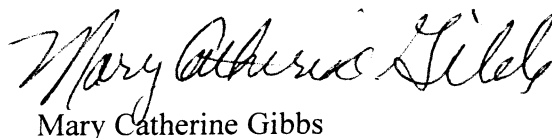
Re: 1700 Duke Street Project, Vacation # 2002-0001  
Deed of Vacation, Consolidation, Dedication and Easements

Dear Allen:

Enclosed please find the documentation regarding the cost to underground the Dominion Virginia Power Vault that used to be located in the City's Right of Way that was vacated by Ordinance No. 4278. The Deed of Vacation, Consolidation, Dedication and Easements was submitted to the City on October 20, 2004, for its review and endorsement. Pursuant to the conditions of Vacation # 2002-0001, approved by the City Council on November 16, 2002, JBG is to pay the City the fair market value of the land vacated, "offset by the cost of undergrounding the Dominion Virginia Power equipment located in the intersection of Duke Street and Holland Lane, not to exceed the fair market value. The cost of the undergrounding shall be verified by the Director of Transportation and Environmental Services." This documentation is submitted for such verification by the Director of T&ES. The Cost was \$180,414.00. The fair market value of the land vacated by the City is \$181,800.00, therefore, enclosed please find a check in the amount of \$1,386.00 for the difference.

Please let me know if there is anything else you need from JBG in order to expedite the endorsement of the Deed by the City. As soon as they have signed the Deed, I can come by and pick it up so it can be recorded in the land records for the City of Alexandria. Do not hesitate to contact me if you have any questions.

Very truly yours,



Mary Catherine Gibbs

Enclosure

cc: Mr. Brooks Blake



THE JBG COMPANIES

# T R A N S M I T T A L

October 29, 2004

**To:** Mary Catherine Gibbs  
Hart, Calley, Gibbs & Karp, P.C.  
307 N. Washington Street  
Alexandria, VA 22314

**Re:** 1700 Duke Street

**WE ARE SENDING YOU:** Enclosed

**Via:** Federal Express

COPY	DATE	DESCRIPTION
1	7/19/04	Back up for Vault Cost

**THESE ARE TRANSMITTED AS NOTED BELOW:**

**REMARKS:**

**PLEASE FIND ATTACHED THE BACKUP FOR THE VAULT COST. THE TOTAL COST TO JBG OF THE VAULT WAS \$180,414. PLEASE FORWARD THIS TO THE CITY UNDER THE APPROPRIATE COVER. THANKS**

**FROM:** Brooks Blake / Racine

4445 Willard Avenue, Chevy Chase, Maryland 20815-3690 (240) 333-3600 TE LEFAX: (240) 333-3610



**CHANGE  
ORDER**

AIA DOCUMENT G701

OWNER  
ARCHITECT  
CONTRACTOR  
FIELD  
OTHER

PROJECT 1700 Duke Street, A Condominium Project CHANGE ORDER NUMBER: 002  
(name, address) 1700 Duke Street  
Alexandria, VA 22314 DATE 07/19/04

TO CONTRACTOR Clark Residential, LLC  
(name, address) 7500 Old Georgetown Road  
Bethesda, MD 20814

ARCHITECT'S PROJECT NO

CONTRACT DATE November 7, 2003

CONTRACT FOR Construction of Condominium Building w/  
2 1/2 levels of Parking and First Floor Retail

The Contract is changed as follows:

Test pit to locate second set of transmission lines to finalize location, size, and design of transmission line vault for an add of \$10,517 in accordance with Clark Change Order 810010 dated April 5, 2004

Excavation, shoring, and construction of the transmission line vault for an add of \$169,897. The extension of the sheeting and shoring approximately 4 feet further south and associated modifications to the concrete are not included in this proposal. In accordance with Clark Change Order 910021 dated June 22, 2004

Please note that all qualifications and exclusions listed in each subcontractor proposal are included by reference in this change order

The value of this change order is an add of One Hundred Eighty Thousand Four Hundred Fourteen Dollars (\$180,414.00)

Not valid until signed by the Owner and Contractor.

The original (Contract Sum)(Guaranteed Maximum Price) was	\$	27,905,676
Net change by previously authorized Change Orders	\$	.
The (Contract Sum)(Guaranteed Maximum Price) prior to this Change Order was	\$	27,905,676
The (Contract Sum)(Guaranteed Maximum Price) will be (increased)(decreased)	\$	180,414
by this Change Order in the amount of		
The new (Contract Sum)(Guaranteed Maximum Price) including this Change Order will be	\$	28,086,090


The Contract Time will be (increased)(decreased)(unchanged) by zero (0) days  
The date of Substantial Completion as of the date of this Change Order therefore is June 2, 2005

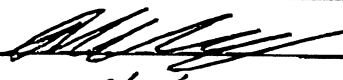
NOTE This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Bulletins

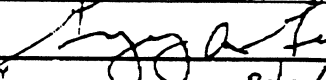
MR-A  
ARCHITECT  
7910 Woodmont Ave, Suite 1250  
Address  
Bethesda Maryland 20814

Clark Residential, LLC  
CONTRACTOR  
7500 Old Georgetown Road  
Address  
Bethesda, MD 20814

JBG/ Rockwood Duke Street, LLC  
c/o The JBG/ Development Services, LLC  
OWNER  
14415 Willard Avenue, Suite 400  
Address  
Chevy Chase, Md 20815

BY   
8/3/04  
DATE

BY   
08/3/04  
DATE

BY   
8/3/04  
DATE



April 6, 2004

Mr. Brooks Blake  
JBG/ Rockwood Duke Street, LLC  
C/o The JBG Companies  
445 Willard Avenue  
Chevy Chase, MD 20815

Re: 1700 Duke Street, A Condominium Project  
Clark Project No.: 112473  
PCO No.: 810010  
*Dominion Power Transmission Line Test Pitting*

Dear Mr. Blake:

In accordance with verbal direction during Owners Progress Meeting #18 on March 23, 2004, Clark hereby submits our proposal *to perform test pitting to locate the third transmission line*. As discussed this will allow us to locate the outside wall of the proposed transmission line vault and finalize the support of excavation method for this vault.

The total cost estimate of subject work, per the enclosed summary sheet and attached backup is **Ten Thousand Five Hundred Seventeen Dollars (\$ 10,517.00)**.

Clark will proceed with the revised work upon receipt of written acceptance of this proposal.

Please acknowledge your acceptance of this proposal by signing and returning a copy to us for our records.

Sincerely,

**CLARK RESIDENTIAL, LLC**

A handwritten signature in black ink, appearing to read "Gregory R. Ruhi".

Gregory R. Ruhi  
Project Manager

JBG/ Rockwood Duke Str ---C  
PCO NO. 810010 - Doml Power Transmission Line Test Pitting  
4/6/04

TOTAL AMOUNT ACCEPTED: \$10,517.00

By:

  
OWNER REPRESENTATIVE

Date:

15 APR 04

cc:

Tim Munshell, The JBG Companies  
Greg Gerold, The JBG Companies  
PCO File No. 810010  
Field File

JBG/ Rockwood Duke Str ...C  
PCO NO. 810010 - Dom a Power Transmission Line Test Pitting  
4/6/04

### CHANGE ORDER SUMMARY SHEET

A. Subcontractor Detail

1. Clark Foundations (support of excavation) \$ 10,000.00

**Subcontractor Total** \$ 10,000.00

B. Clark Fee 5% \$ 500.00

**Subtotal** \$ 10,500.00

C. Gross Receipts Tax .16% \$ 16.80

**Change Order Total** \$ 10,517.00

JBG/ Rockwood Duk...et, LLC  
PCO NO. 310010 - ...nion Power Transmission Line Test Pin  
4/6/04

### PROPOSAL QUALIFICATIONS

1. Time Impact:



~~The time impact as well as delay and impact costs associated with this change can not be fully determined at this time; therefore, after determination, we will submit in a separate proposal our request for an adjustment in the Contract time as well as delay and impact costs associated therewith.~~

~~NO / 4969~~

2. ~~Clark may request additional compensation, and/or a future time extension which, in the future, may be justified as the result of this change order's unforeseeable cumulative effect with other change orders~~

~~NO / 4969~~

3. We reserve the right to revise this proposal if it is not accepted within thirty (30) days, or if the progress of the work changes the conditions upon which this proposal is based.

4. We include qualifications and exclusions noted in the enclosed subcontractor proposals.



March 11, 2004

Clark Residential, LLC  
7500 Old Georgetown Road  
Bethesda, MD 20814

Attention: Mr. Greg Ruhl

Reference: 1700 Duke Street Project  
NE Corner Vault Layout

Gentlemen:

We are in receipt of several sketches which will reconfigure the Northeast corner building layout to incorporate an additional vault for the 230,000 volt transmission line. We have sketched to the best of our ability the most current layout for this vault. And it appears that we will hit the next pair of 230,000 volt lines.

We therefore propose that we immediately excavate three (3) test pits to field verify these lines. These test pits would be hand dug approximately 7 to 8 feet in depth to field verify the location of the second transmission lines. This information could then be used to size and locate the proposed vaults.

Our proposed price to excavate three test pits is \$10,000 dollars.

If you have any questions please call me at (301) 272-8205.

Sincerely:

CLARK FOUNDATIONS, LLC.



David Rothenberg, P.E.  
Sr. Project Manager

cc. M. Hosseini, file

RL



June 22, 2004

Mr. Greg Gerold  
JBG/ Rockwood Duke Street, LLC  
C/o The JBG Companies  
4445 Willard Avenue  
Chevy Chase, MD 20815

Re: 1700 Duke Street, A Condominium Project  
Clark Project No.: 112473  
PCO No.: 810021  
*Transmission Line Vault Direct Cost*

Dear Mr. Gerold:

In accordance with your email dated June 14, 2004, Clark hereby submits our proposal to excavate, sheet and shore, and construct a concrete vault at the northeast corner to enclose the transmission lines as designed in MV+A sketches ASK V-1 through ASK V-3, SK&A sketch SSK-01, and Clark Foundations support of excavation drawings dated May 15, 2004. The work in this area will be performed as indicated on Clark Foundations shop drawing approved by Dominion Technical Solutions.

The total cost estimate of subject work, per the enclosed summary sheet and attached backup is One Hundred Sixty Nine Thousand Eight Hundred Ninety Seven Dollars (\$ 169,897.00).

Please acknowledge your acceptance of this proposal by signing and returning a copy to us for our records.

Sincerely,

CLARK RESIDENTIAL, LLC

A handwritten signature in black ink, appearing to read "Greg Ruhl", written over a horizontal line.

Gregory R. Ruhl  
Project Manager

JBG/ Rockwood Duke Stre LC  
PCO NO. 810021 - Transi ion Line Vault Direct Cost  
6/22/04

**TOTAL AMOUNT ACCEPTED: \$169,897.00**  
**TIME: Included in PCO 810009**

By: \_\_\_\_\_  
OWNER REPRESENTATIVE

Date: \_\_\_\_\_

By: \_\_\_\_\_  
LENDER REPRESENTATIVE

Date: \_\_\_\_\_

cc:  
Brooks Blake, The JBG Companies  
Tim Munshell, The JBG Companies  
Rich Rizzo, Vice President  
PCO File No. 810021



JBG/ Rockwood Duke Stn LC  
PCO NO. 310021 - Transition Line Vault Direct Cost  
6/22/04

### CHANGE ORDER SUMMARY SHEET

A. Subcontractor Detail

1.	Clark Foundations (support of excavation, excavation)	\$	120,000.00
2.	Clark Concrete (cast-in-place concrete)	\$	40,620.00

**Subcontractor Total** \$ 160,620.00

B.	Attributable GC Costs (10 hrs - 2 man field crew @ \$34.15/hr.)		546.00
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**Subtotal** \$ 161,166.00

C.	Gross Receipts Tax	.16%	\$ 258.00
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**Subtotal** \$ 161,424.00

D.	General Liability Insurance	1.50/1000	\$ 242.00
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**Subtotal** \$ 161,666.00

D.	Builders Risk DIC	.058/100/yr	\$ 141.00
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**Subtotal** \$ 161,807.00

E.	Clark Fee	5%	\$ 3,090.00
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**Change Order Total** \$ 169,897.00

JBG/ Rockwood Duk et. LLC  
PCO NO. 310021 - Transmission Line Vault Direct Cost  
6/22/04

### PROPOSAL QUALIFICATIONS

1. Due to the work being interrelated with the electrical transmission line changes, the time impact related to this change is included in 310009.
2. Clark may request additional compensation, and/or a future time extension, which, in the future, may be justified as the result of this change order's unforeseeable cumulative effect with other change orders.
3. We reserve the right to revise this proposal if it is not accepted within thirty (30) days, or if the progress of the work changes the conditions upon which this proposal is based.
4. We include qualifications and exclusions noted in the enclosed subcontractor proposals.
5. We have not included cost for any materials to be supplied by Dominion Virginia Power (i.e. manhole and covers, permanent line support, pipe seal at horizontal penetrations, etc.) These materials must be delivered to Clark by July 15, 2004 to not delay our work.
6. We have not included cost for bentonite waterproofing at the perimeter of the vault as shown on MV+A drawings as Dominion Power directed this was not necessary at our onsite meeting on May 15, 2004.
7. We include backfill above the vault with 57 stone as reviewed with SK&A.
8. We have not included cost for Dominion Power amended sand mix.
9. We have not included cost associated with any permits for this work. We require an approved vault permit by July 3, 2004 to not delay our work.

# Clark

## CONCRETE CONTRACTORS, LLC.

1700 Duke Street  
Alexandria, VA 22314

Greg Ruhl Project Manager  
The Clark Construction Group, Inc.  
7500 Old Georgetown Rd.  
Bethesda, MD 20814

May 27, 2004

Re: 1700 Duke St  
PCO #810007 - Addition of Electrical Vault @ P1

Dear Mr. Ruhl:

After reviewing the information provided on the transmittal dated March 24, 2004, Clark Concrete hereby submits a proposal for additional labor, material, and equipment necessary for the addition of the electrical vault at P1 level.

The total cost for the work, per the enclosed summary sheet, is a change to the original contract of FORTY THOUSAND SIX HUNDRED TWENTY DOLLARS (\$40,620.00).

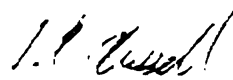
The contractor may request additional compensation, and/or further time extension, which, in the future, may be justified as a result of this modification/change order's unforeseeable cumulative effect with other modifications/change orders.

The above reservation shall serve only to preserve the Contractor's right to submit claims as specified. It shall not be construed to constitute evidence of an agreement between the Contractor and the owner as to the meaning of "impact" or allowance of any claims, nor shall it be considered in any manner to constitute a waiver of limitations on overhead, profit, and/or fee otherwise applicable to the Contractor and subcontractors at any time through the provisions of this Contract.

Please acknowledge your acceptance of this proposal with your signature and return a copy for our records.

We reserve the right to revise this proposal if it is not accepted within thirty (30) days, or if the progress of the work changes the conditions upon which this proposal is based.

Sincerely,  
CLARK CONCRETE CONTRACTORS, LLC.



J.R. Russell  
Office Engineer

cc: File  
Fran Zelenak

CLARK CONCRETE CONTRACTORS, LLC.

7500 Old Georgetown Road  
Bethesda, Maryland 20814-6196

Phone 301/272-8100  
Fax 301/272-8500

## Change Order Estimate Sheet

Project: 1700 Duke Street

Job No.: 132473

CCG/CCC PCO: \$10007 Addition of Electrical Vault @ P1 Level

Date:

State:

Description	Unit	Quant.	Unit Mat'l	Cost Mat'l	Unit Labor	Cost Labor	Unit Sub Costs
<b>-Labor</b>							
Laborer	hr	250.0		-	19.76	4,945	
Laborer Foreman	hr	40.0		-	30.08	1,203	
Carpenter	hr	268.0		-	24.34	6,523	
Carpenter Foreman	hr	30.0		-	34.07	1,022	
Finisher	hr	25.0		-	32.29	807	
Finisher Foreman	hr	6.0		-	35.65	214	
Crane Operator	hr	3.0		-	37.17	297	
Engineer Crew (2)	hr	32.0		-	24.73	791	
Party Chief Engineer	hr	3.0		-	51.58	413	
Rebar Detailing	hr	8.0		-	75.00	600	
Place Rebar	tons	7.5		-	235.00	1,763	
<b>-Material and Equipment</b>							
#57 Stone	ton	203.5	13.90	2,829			
Concrete	cy	101.0	74.75	7,550			
Junction	ex	1.0	418.75	419			
Rebar	tons	7.5					
Crane	hr	3.0	100.00	300			990.00
Waterstop	lf	224.0	1.25	280			

	11,877	28,178.16
Tax 4.50%	534	
Material	12,411	
Labor	18,178.16	
Subcontractors	5,473	
Overhead 5%	1,829.79	
Subtotal	38,425.00	
Fee (5% of cost of work)	2,012.77	
Subtotal	\$ 40,438.44	
General Liability Insurance	\$ 181.97	
Total	\$ 40,620.41	

Qualifications

1) Allow 2 consecutive weeks for construction of vault

**CLARK**

June 7, 2004

Clark Residential, LLC  
7500 Old Georgetown Road  
Bethesda, MD 20814

Attention: Mr. Greg Ruhl

Reference: 1700 Duke Street Project  
Transformer Vault Excavation and Support

Gentlemen:

We are pleased to submit this proposal to excavate and install support of excavation for the proposed transformer vault. This vault is to be located in the northeast corner of site.

Installation is assumed to be performed during normal business hours (7:00am to 3:30pm Monday through Friday) under one mobilization as soon as the site has been cleared. Our work will require four (4) weeks to complete.

Our proposal includes the excavation and disposal as well as installation of the support of excavation system as detailed in the enclosed sketches.

Our lump sum price for this proposal is:

\$ 20,000**This proposal includes:**

1. Prepare and certify the support of excavation drawings as required by the city of Alexandria.
2. Excavate the transmission vault per sketches and field data provide by MR&A Architects. The excavated material will be hauled off site.
3. Furnish and install drilled soldier beams per drawings provided with this proposal.
4. Furnish and install untreated timber lagging.
5. Remove top 4 feet of soldier beam and lagging as required per city code.

**This proposal excludes:**

1. All permits, bonds fees and deposits that may be required by the City of Alexandria.
2. Performance bonds.
3. Cost of utility deposits and inspection fee as may be required by the City of Alexandria.
4. Pre-construction surveys including video taping existing sewers.

Clark Residential.

June 7, 2004

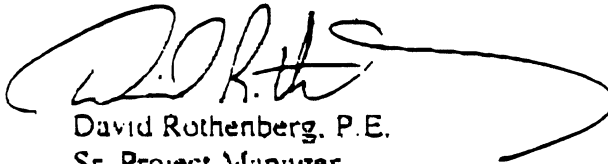
Page 3

5. Any manmade obstructions that interfere with the installation of our work.
6. Utility relocation and/or capping of existing water, sewer, gas, phone and electric lines.
7. Field engineering, including surveying for layout, line and grade, and monitoring.
8. Any cost or time associated with contaminated or hazardous water or soil encountered on the site including removal hauling and disposal.
9. Temporary toilets and drinking water.
10. Backfill of excavation after vault structure is installed.
11. Installation and removal of access ladders.

If you have any questions please call me at (301) 272-8205.

Sincerely:

**CLARK FOUNDATIONS, LLC.**



David Rothenberg, P.E.  
Sr. Project Manager

cc. M. Hosseini, file

**CLARK**

June 17, 2004

Clark Residential, LLC  
7500 Old Georgetown Road  
Bethesda, MD 20814

Attention: Mr. Greg Ruhl

Reference: 1700 Duke Street Project  
Transformer Vault Excavation and Support

Gentlemen:

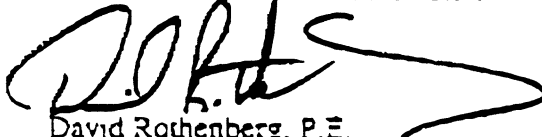
Per your request, the following is our breakdown for the Vent Excavation and Support pricing as given to you June 7, 2004.

	<u>Quantity</u>	<u>Cost</u>
Hand excavate test pits for soldier beams	11 each	\$15,325
Drill soldier beams adjacent to transmission line	375 linear feet	\$42,378
Mass excavate Vault includes hand excavation around transmission lines:	400 cu yds	\$35,315
Lagg to subgrade	1,568 square feet	\$14,854
Cut off and dispose of top 4-foot soldier beams:	11 each	\$ 972
Subtotal:		\$108,844
Add Overhead at 5%:		\$ 5,442
		\$114,286
Add Profit at 5%:		\$ 5,714
Total Cost of this Change Order:		\$120,000

If you have any questions please call me at (301) 272-8205.

Sincerely:

CLARK FOUNDATIONS, LLC.



David Rothenberg, P.E.  
Sr. Project Manager

cc. M. Hosseini, file

# HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET  
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757

FAX (703) 548-5443

hcgk.law@verizon.net

HARRY P. HART  
MARY CATHERINE H. GIBBS  
HERBERT L. KARP

OF COUNSEL  
CYRIL D. CALLEY

RETIRED  
ROBERT L. MURPHY, 2001

October 20, 2004

Mr. Allen Martin, Chief of Surveys  
Department of Transportation & Environmental Services  
City Hall, Room 4130  
Alexandria, VA 22314

Re: 1700 Duke Street Project, Vacation # 2002-0001  
Deed of Vacation, Consolidation, Dedication and Easements

Dear Allen:

Enclosed please find the Deed of Vacation, Consolidation, Dedication and Easements for the 1700 Duke Street Project reflecting the conditions of the Vacation approved by the City Council on November 16, 2002 and reflected in Ordinance No. 4278. The Plat attached to the Deed was approved by the City, but its title had to be changed to reflect that the property was now owned by JBG/Rockwood Duke Street, L.L.C., therefore, the Plat, again, needs the endorsement of the appropriate City officials.

Please review the Deed and forward it to the City Attorney and the City Manager for their endorsement. As soon as they have signed the Deed, I can come by and pick it up so that the proper parties at JBG and Riggs Bank can endorse it as well and it can be recorded in the land records for the City of Alexandria. Do not hesitate to contact me if you have any questions.

Very truly yours,



Mary Catherine Gibbs

Enclosure

cc: Mr. Brooks Blake  
Mr. Michael Chamowitz, Esq.